

Appeal Decision

Site visit made on 16 May 2017

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 June 2017

Appeal Ref: APP/W2465/Z/17/3169660

132 London Road, Leicester LE2 1EB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Christopher Scotney against the decision of the Leicester City Council.
 - The application Ref 20162238, dated 16 November 2016, was refused by notice dated 10 January 2017.
 - The advertisement proposed is described as '1x Rear Illuminated Portrait 48 Sheet Hoarding'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main issue

3. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

Amenity

4. The proposal is as described above and would be sited approximately 4m above street level on the partially revealed gable elevation of the host property. The appeal site is located within the South Highfields Conservation Area (CA); close to the junction of London Road (A6) and Highfield Street. It is common ground between the parties that the existing advert, which the proposal seeks to replace, is in poor condition.
 5. I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
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6. The street scene on London Road is predominantly commercial in character, however there is very little in the way of advertising on the upper floors of the predominantly three-storey buildings. The majority of advertisements on the road are shop front fascia advertisements that are displayed at street level. This ensures that the upper floors of the buildings on this key arterial route into the city centre retain their ordered and uncluttered character and appearance.
7. Therefore the introduction of the proposed 48 sheet rear illuminated unit would by way of its size, height and illumination appear visually intrusive in the context of the largely restrained upper floors of the buildings that contribute to the visual amenity of London Road. As such, the proposal would appear visually dominant, in particular when travelling along the A6 towards the city centre. Consequently, the proposed advertisement would appear incongruous and be at odds with the prevailing character and appearance of the CA.
8. Having come to the conclusions above, the proposed advertisement in this site specific location would result in material harm to the amenity of the area.

Other considerations

9. I have carefully considered the economic benefits to the appellant's business including the potential to increase trade. Furthermore, I have taken account of the National Planning Policy Framework and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement and advertisements potentially being more favoured in commercial areas. Therefore schemes such as this should not be taken to be automatically ruled out of CAs. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described. Consequently, all the points raised by the appellant do not outweigh the concerns which I have in respect of amenity.

Conclusion

10. For the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR